

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 3, 2002  
(Approved September 17, 2002)

#### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Jim Purucker and Pam Ferguson of WSWI, Jim Calvert of Olinger, Ronna Chappell of ILBA, Lisa Goldner of Bose McKinney and Evans, Deb Scott of IABR and Marc Carmichael of IBA were present as observers.

#### COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

#### DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the August 6, 2002 and August 20, 2002 meetings. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the September 3, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

DL45-18918 THORNTON OIL CORPORATION – Hearing Judge Steiner stated this was a recommended denial of a new permit by the Lake County Local Board and an upholding of that recommendation by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to overturn the local board and approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

#### APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Two hundred eleven (211) renewals approved, twenty (20) new and/or transfer permits approved, seven (7) permits conditionally approved, three (3) permits approved for first year escrow and two (2) permits approved for second year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR06-19990 AND RR06-19991 PRIME TIME GRILL & BAR – Vice Chairperson Glass noted the applicant is requesting permission to file for a type 112 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR03-93042 ARNI'S, INC. – Vice Chairperson Glass noted this is a type 112 transfer of stock application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass stated there was some confusion concerning notice of this hearing and the permittee did not appear at the local board. The Vice Chair moved to

remand this application to the local board for reinvestigation. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-05664 DURANGO'S, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR84-01815 SODEXHO SERVICES OF INDIANA LIMITED PARTNERSHIP – Vice Chairperson Glass noted this is a type 210 transfer of ownership application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfer. Motion seconded by Commissioner Marks and it was unanimously approved.

### **INACTIVE FILES**

There were no Inactive Files.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR57-93353 CC RIDER, INC., RR45-01568 ANDY'S RESTAURANT AND LOUNGE, INC., RR49-05664 DURANGO'S, INC., RR45-19201 BUDDY & PAL'S, INC. – Appeals will be assigned to a hearing officer.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

GARY ART WORKS WINE TASTING – Gary Art Works, in conjunction with Chez Gary, Inc., would like to hold a wine tasting with donated alcoholic beverages.

INDIANAPOLIS ZOOLOGICAL GUILD ZOOFEESTIVAL – Indianapolis Zoological Guild would like to hold their ZooFestival that would include a silent auction with donated alcoholic beverages.

GRIFFITH CENTENNIAL CELEBRATION COMMITTEE – Griffith Centennial Celebration Committee would like to serve donated alcoholic beverages at their wine tasting.

CONNER PRAIRIE ALLIANCE MAGICAL EVENING AND THE ELEGANT COUNTRY LUNCHEON – Conner Prairie would like to serve donated alcoholic beverages at their Magical Evening and Elegant Country Luncheon.

RIVERVIEW HOSPITAL MEMORIAL FOUNDATION GALA – Riverview Hospital Memorial Foundation would like to serve donated alcoholic beverages at their Gala.

TRAIL INN LIQUORS WINE TASTING – Trail Inn Liquors would like to serve donated alcoholic beverages at their annual charity wine tasting.

DLM LIQUORS PORTRAIT OF WISHES DINNER – DLM Liquors would like to serve donated alcoholic beverages at their Portrait of Wishes dinner.

Commissioner Davis moved to approve the requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **POLICY DETERMINATIONS**

NON-RULE POLICIES - Chairperson DePrez stated that the Commission is reviewing the current Non-Rule Policies and will make a decision concerning them possibly within the next 30 days. Any written comments from the industry should be directed to the Chairperson and then they will be shared with the other members of the Commission.

PHARMACY FLOOR PLANS – Chairperson DePrez stated there are copies available of the proposed pharmacy floor plan policy.

### **UNDER ADVISEMENT**

There was nothing Under Adviseement.

### **ANNOUNCEMENTS**

2002 PERMIT AUCTION – Chairperson DePrez stated the 2002 permit auction will be held on October 31, 2002 at 10:00 a.m. in the Conference Center. The auction permits will only be advertised in the Indianapolis Star, not county by county. The other newspapers that have permits available in their area will receive a Press Release. The auction list is not available at this time, but when it is ready, it will be on the website.

### **ADJOURNMENT**

Commissioner Davis moved to adjourn the meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER